

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

VYTACERA BIO, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-333-JLH-CJB
	)	
CYTOMX THERAPEUTICS, INC.,	)	<b>FILED UNDER SEAL</b>
	)	
Defendant.	)	

**MICHAEL SIEM'S AND MICHAEL BARRESI'S MOTION TO WITHDRAW  
AS COUNSEL FOR PLAINTIFF VYTACERA BIO, LLC**

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Dated: October 7, 2024

*Counsel for Michael Siem and  
Michael Barresi*

Pursuant to Local Rules 7.1.2 and 83.7, Michael Siem (“Siem”) and Michael Barresi (“Barresi”), hereby move to withdraw as *pro hac vice* counsel for Plaintiff/Counterclaim Defendant Vytacera Bio, LLC (“Plaintiff”) in the above-captioned case.

### FACTS

1. On or about January 11, 2020, Vit Lauermann and Jon Saxe signed an engagement letter with the law firm Goldberg Segalla LLP (“Goldberg”) for Goldberg to represent an as-yet-to-be-formed new company to enforce patent rights for U.S. Patent Nos. 8,809,504 and 9,775,913. The new company was formed as Vytacera Bio, LLC on or about January 2020.

2. On March 4, 2020, Plaintiff filed the instant lawsuit against CytomX Therapeutics, Inc. (“Defendant”). The Complaint (D.I. 1) was filed by Stamatios Stamoulis and Richard C. Weinblatt of the firm of Stamoulis & Weinblatt LLC. The Complaint listed as “Of Counsel” Siem and four other attorneys then at Goldberg, Ronald M. Daignault, Chandran B. Iyer, Michael A. Siem, Oded Burger and Richard Juang, noting as to each, “*pro hac vice* to be filed.”

3. On March 18, 2020, Plaintiff moved for the *pro hac vice* admission of Siem, Daignault, Iyer, Siem, Burger, and Juang. The Court “SO ORDERED” their admission on March 26, 2020. D.I. 6.<sup>1</sup>

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<sup>1</sup> On February 12, 2021, Daignault, Iyer, Burger and Juang withdrew their appearances. D.I. 28. Between February 15, 2021, and August 25, 2021, the Court granted motions *pro hac vice* for the admission of five other non-Delaware attorneys from Goldberg. D.I. 29 (Christopher J. Belter and Lynn Lehnert); D.I. 46 (Kenneth A. Matuszewski); D.I. 75 (Anthony M. Kroese); D.I. 85 (Ryan G. Pitman). Lehnert, Matuszewski, Kroese, and Pitman have not withdrawn their appearances despite, on information and belief, no longer being affiliated with Goldberg. Belter has not withdrawn his appearance and remains affiliated with Goldberg as its Chief Operating Officer.

4. On September 2, 2021, Plaintiff moved for the *pro hac vice* admission of Barresi, who at the time was an attorney at Goldberg. The Court “SO ORDERED” his admission on September 14, 2021. D.I 89.

5. On June 21, 2024, Siem and Barresi left Goldberg and joined the Devlin Law Firm, LLC.

6. On or about June 20, 2024, Siem and Barresi put Plaintiff on notice that they were leaving Goldberg and would no longer be able to represent Plaintiff. Christopher J. Belter, who was admitted *pro hac vice* on August 25, 2021, is the only attorney of record to remain associated with Goldberg. *See* D.I. 29. Siem and Barresi have put Plaintiff on notice of these facts.

7. As of this date, Delaware counsel for Plaintiff, Stamoulis & Weinblatt LLC, also remain as Plaintiff’s counsel of record.

### **ARGUMENT**

8. Pursuant to Local Rule 83.7, Siem and Barresi may withdraw from this action without the approval of the Court because attorneys from the law firm Stamoulis & Weinblatt LLC remain as counsel of record and such attorneys are members of the Bar of this Court.

9. However, out of an abundance of caution given the unusual circumstances presented herein, Siem and Barresi are filing this motion (through the undersigned counsel, who have entered their appearance on behalf of Siem and Barresi for this limited purpose) to seek the Court’s approval of their withdrawal.

10. Such withdrawal will not prejudice Plaintiff because Plaintiff remains represented by Stamoulis & Weinblatt LLC, as well as Goldberg, and there are no pending deadlines or other events in the case that require action by counsel. *See* September 26, 2022, docket entry (“All

case deadlines other than those related to the Rule 12(c) Motion are STAYED until the Court finally resolves the Rule 12(c) Motion.”). Other than Plaintiff’s fully-briefed objections (D.I. 180, 181) to Judge Christopher J. Burke’s Report and Recommendation (D.I. 178) granting Defendant’s motion for judgment on the pleadings (D.I. 164), there are no matters pending in this case. Indeed, should the Court overrule the objections, judgment will be entered in favor of Defendant and this case will be closed. For these reasons, “withdrawal can be accomplished without material adverse effect on the interests of the client.” *See* ABA Model Rule 1.16(b)(1).

11. In addition, the continued representation of Plaintiff would “result in an unreasonable financial burden” on Siem and Barresi because their current firm is not a party to an engagement agreement with Plaintiff relating to this matter and does not wish to enter into such an engagement agreement. *See* ABA Model Rule 1.16(b)(5).

12. A copy of this motion is being served on Plaintiff by hand delivery to its registered agent contemporaneously with the filing of this motion. A courtesy copy will be sent via email to Mr. Lauermann.

13. Undersigned counsel for Siem and Barresi confirm that a reasonable effort has been made to reach agreement with Defendant on the matters set forth in this motion. Defendant’s counsel indicated that Defendant takes no position on Siem’s and Barresi’s motion with the understanding that Plaintiff will still be represented by counsel of record at Goldberg and by Stamoulis & Weinblatt LLC.

WHEREFORE, Siem and Barresi respectfully request that this Court issue an order allowing them to withdraw their representation of Plaintiff in this matter. A proposed form of order is attached.

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/s/ Alan R. Silverstein

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Dated: October 7, 2024

*Counsel for Michael Siem and  
Michael Barresi*

**CERTIFICATE OF SERVICE**

I, Alan R. Silverstein, hereby certify that on this 7th day of October, 2024, a copy of the foregoing was served upon Plaintiff Vytacera Bio, LLC at the address and in the manner indicated:

***Via Hand Delivery***

Vytacera Bio, LLC  
c/o United Corporate Services, Inc.  
800 North State Street, Suite 304  
Dover, DE 19901

/s/ Alan R. Silverstein

Alan R. Silverstein (#5066)

**CERTIFICATE OF SERVICE**

I, Alan R. Silverstein, hereby certify that on this 7th day of October, 2024, a copy of the foregoing was served upon counsel of record at the address and in the manner indicated:

**VIA EMAIL**

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